



**Transcript for the February 28<sup>th</sup> 2013, Webchat  
Immigrant and Nonimmigrant Visas**

Q. Hi, I am a indian passport holder leaving in UK on Tier 1 visa, i have completed postgraduate study in UK and I am planning to study oracle DBA course in USA in a private institution . On what visa i can apply to usa . If it is student visa what are the documents do i need? and how much financial ability do i need? what is the percentage of getting a visa from uk as I am from other nation applying from uk.

A. If you are planning to study in the United States, you will require a student visa. Information about student visas, including the documents you would be required to present, is available from the Embassy website: <http://london.usembassy.gov/students.html>. The final determination on your eligibility can only be made by a consular officer at the time of your application.

Q. I am a student from Nigeria, studying a Masters degree in the UK which ending September 2013. I am hoping to undertake an exchange programme with a US University (organised through my UK institution) for 4 weeks in July. There might be an internship/placement which is yet to be confirmed. I believe I need a J-1 visa. It doesn't say on your website that I need to show sufficient proof funds or demonstrate my intention to leave the US, should I provide documents to prove this anyway? If so, how much funds are needed and how long should I have held these funds in my account?

A. For most visa classes, including the J-1, you are required to demonstrate that you intend to depart the United States at the end of your authorized stay. How each applicant demonstrates this varies, so you should be prepared to demonstrate that you have sufficient funds to support yourself while in the U.S., as well as strong social and financial ties outside the U.S. which would compel you to leave at the end of your stay. The final determination on each applicant's eligibility can only be made by a consular officer at the time you apply.

Q. We are going to Orlando and me wife has her US VISA in her maiden name in her old passport but is still valid until 2016. Her new passport is now in her married name. Can she still travel to the US with the VISA she has if we carry our marriage certificate, or will she need to go under the VISA waiver scheme? Thank You.

A. If your wife's visa remains valid, was not damaged when her old passport was cancelled and was issued to her for the same purpose as that for which she wishes to travel to the U.S. now, she may continue to use that visa. When travelling, she should carry her old passport with the valid visa, her new passport and, if she has changed her name, a copy of her marriage certificate. Alternatively, your wife may wish to obtain a new visa in her married name. Information about applying for a nonimmigrant visa is available from the Embassy website: <http://london.usembassy.gov/nonimmigrant-visas.html>. If your wife meets all the criteria to travel visa free under the Visa Waiver Program (VWP) she is not prohibited from registering with ESTA.

Q. I am a dual U.S./U.K. citizen and my husband is a U.K. citizen. We have been married 4 1/2 years. Because we are retired we wish to live October-April in the U.S. and May-September in the U.K. We own houses in each country. My husband is currently "visiting" me when we are in the U.S. He enters under the visa waiver program and returns to the U.K. within 90 days. He would like to apply for a "green card". Because of the timing of the process we are unsure whether he should apply during the time he is in the U.S. (concurrently) or in the U.K. Our concern is around which country he will be in



when interviews, etc. are required. If we apply while he is in the U.S. will he be able to go to the U.K. and return to the U.S. while the application is pending? If we apply while he is in the U.K. will he be able to come to the U.S.? If so, what visa do you recommend? Visa waiver, K-3? Please advise.

A. An immigrant visa (Green Card) is for people who wish to reside permanently in the United States.

Information about applying for an immigrant visa is available on our website:

<http://london.usembassy.gov/immigrant-visas.html>. If your husband only wishes to be able to remain in the U.S. for more than 90 days, he may wish to apply for a B-2 visa, which permits travelers to visit the U.S. for up to 6 months. Your husband should note that the B-2 visa cannot be used to reside in the United States, so if he intends to make the U.S. his permanent home, he may wish to consider the immigrant visa route.

Q. I'm a British Citizen & my partner lives in New York on a work based Visa, we are thinking about me going out there to live together in New York & for me to pursue my career there too, do we have to have 'Proof of commitment' ie Engagement? Your comments/answer on this would be highly appreciated. Regards

A. If your partner is living in the United States on an employment based visa, you may be eligible for a B-2 visa to accompany him. You would be required to provide proof of your partner's status in the United States, as well as proof of your relationship. Such proof varies with each individual case, so there is no set form that it must take. You should present whatever evidence you believe demonstrates that you are in a relationship with your partner and allow a consular officer to adjudicate your eligibility at the time you apply for the visa.

Q. Hello, I'm a Chinese citizen who is studying in UK right now, but I'm going to graduate in this June, my UK visa will expire in August this year. But I want to travel to US in late March, so I'm wondering if I can still apply for a B2 visa?

A. Detailed information about applying for a B-2 (tourist) visa is available from the Embassy website at <http://london.usembassy.gov/b2.html> You may also wish to review our blog post at <http://www.usembassy.org.uk/visaservices/?p=772> Regarding supporting documentation, there is no set form that evidence may take, and it is not possible for a third party to make guarantees on an applicant's behalf as it is each applicant's responsibility to demonstrate that they qualify for a visa. Since applying for a U.S. visa is not primarily a document based process, the officer will only review documents if they are necessary to make a decision about visa eligibility. In many cases, the information provided orally during the visa interview and via the application form is sufficient for the officer to make a decision.

Q. Is it OK if someone who is rejected for F2 visa applies for B1 after more than 3 years? Is it possible that they will be rejected just because of the previous rejection?

A. A previous visa refusal does not prohibit a person from making a new application for a visa. Each application is adjudicated on its own merits. When applying, you should be prepared to demonstrate that you have strong social, economic and financial ties outside the United States which would compel you to depart at the end of your authorized stay.

Q. After the embassy receives the K1 visa applicants paperwork and medical exam results, how long typically before you notify him of his interview, I know it is WITHIN 4 weeks but I need more specific



wait times if possible, can you give an AVERAGE of the wait times from receipt of med exam and necessary paperwork to actual interview date? Thank you so much!

A. It is currently taking 6-8 weeks for the Immigrant Visa Unit to process forms received and register them on an individual applicant's file. As soon as the forms have been received and registered, the applicant will be notified of a date and time for their interview. If your fiancé has been waiting longer than 8 weeks for notification of his interview, he may wish to contact the Operator Service on 09042 450 100 (£1.23/min) for assistance.

Q. I would like to know if US Embassy in London works with UK immigration officers. For instance, do you report any issues revealed to you during the visa interview to UK immigration officers or is it totally confidential? Thank you

A. Visa interviews take place between the applicant and the consular officer and are covered by privacy laws.

Q. I am a uk citizen (valid passport) and will be in Canada between june 2013 and june 2014 on a working holiday visa, and would like to travel over to the usa (new york and nj) during this time for a short stay ie 2 weeks, is this possible? and do i need to apply for some form of entry to usa and return to Canada visa? hope that makes sense?

A. If you are living in Canada, you are not prohibited from travelling to the United States as a tourist. If you will enter the U.S. from Canada via a land border, you should be aware that there is a fee of \$6, payable only in U.S. dollars. If you will enter by sea or air, you will require registration under the Electronic System for Travel Authorization (ESTA). The final decision to admit or deny all travelers rests with immigration officials at the port of entry.

Q. I'm a UK born citizen wanting to Immigrate to the US permanently. I have previously worked in the US as an intern but now back in the UK. I want to move back to work in the US. I have a University degree and work in the hospitality sector. It seems that UK citizens have the disadvantage of not being eligible for the any lottery, so what is my best option to gain residence? I have a social security card and bank account over there. Lots of European interns i met, stayed in the US and are now living their with work visa's but i have more experience than them.

A. If you wish to reside in the United States permanently, you will require an immigrant visa. If you wish to work for a U.S. company, you may be eligible for an employment based Immigrant visa. Information about the different categories of immigrant visa available can be found on our website: <http://london.usembassy.gov/immigrant-visas.html>

Q. Is there any benefit in using a specialist visa law firm to assist with the visa application process?

A. Applicants do not require legal advice in order to apply for a visa. If you are unsure about the correct visa classification for your purpose of travel after you have reviewed our website at <http://london.usembassy.gov/visas.html>, then please contact our Operator Assisted Information Service to discuss your travel plans: 09042 450 100 (£1.23/min, plus network extras).



Q. My husband has a H-1B work visa and I will be accompanying him as a dependent spouse on an H4 visa :1.Do I require a F1 student visa to attend any kind of school and if so, do I need to apply for it before entering the us? Also, can I work part-time on a F1 visa ?

A. While a spouse of an H-1B visa holder may study on a H-4 visa, they cannot work under that visa classification regardless of whether or not they will be paid for that work. Students on F-1 visas may work in certain on-campus jobs for up to 20 hours a week during term-time, as well as full-time when school is not in session if the student is eligible and will be registering for the next school term. After the first year of study, some students may qualify to work off-campus in positions related to their study in certain circumstances. If you have further inquiries regarding the appropriate visa classification for your intended activities, please contact the Operator Service on 09042 450 100 (£1.23/min, plus network extras).

Q. When is the next registration period in 2013 to apply for the diversity visa ? Thank you very much for your kind help!

A. Please check the official Diversity Visa website at <https://www.dvlottery.state.gov/> in the fall (autumn) for the dates of the DV-2015 registration period.

Q. My British Passport expires May 2014 and i have a u.s tourist visa stamped in it valid until march 2022 ; do i have to re-apply for a new tourist visa or can the visa be transferred to the new passport ? If i travel on the new passport but also take the old passport with u.s visa in will that be sufficient proof to enter the u.s ?

A. Provided that the visa remains valid, is not damaged when the old passport is cancelled, and that you will travel to the United States for the same purpose as that for which the visa was originally issued, you may continue to use the visa in your old passport. You should travel with your old passport containing the valid visa, and your new valid passport. The final decision to admit or deny all travelers to the United States rests with immigration officials at the port of entry.

Q. My husband is currently in Administrative Processing. His interview was 6 Dec, and he was given a CD with his medical results, which the officer wrote 'expires 27 March 2013' on it, which is six months after his medical. As we are still waiting for news on his visa, we are now at the point where we cannot travel prior to 27 March because of the notice periods needed for our jobs. So does he have to get another medical? And what about police certificate? And how do the results of the medical get back to him, as he won't need another interview?

A. Although a medical report is considered valid for immigration purposes for one year, a medical report is valid for six months from the date on which it is performed and it must remain valid on the date of travel to the United States. If additional information or documents, such as a new medical report, are required once the processing of an application is completed, full instructions are sent to the applicant at that time.

Q. Hi, I overstayed my visa in the USA, that was 7 years ago and would like to go back for a visit. I am been living and working in the UK since i got back. Would i need to apply for a visa to go and i know the penalty can be 10 years of a ban but does the ban start from the time i left the USA or does the ban start from now.



A. If you have overstayed in the United States, you should obtain a visa before attempting to travel again. At the time of your application, you should be prepared to discuss the circumstances of the overstay with the consular officer. The final determination on your eligibility can only be made by a consular officer at the time you apply.

Q. I am Venezuela and I want to apply for a F-1 student visa. I am planning on applying for my visa in Venezuela. My wife wants to accompany me to the USA. We understand that she can apply for a derivative F-2 visa. However my wife is a British Citizen and does not have residency status in Venezuela. Should she apply for her visa with me in Venezuela or in the UK? Or is it possible for me to apply for my student visa in the UK even though I do not have UK residency?

A. If you are physically present in the UK, you can apply for a visa at the Embassy in London. Please check out our blog post for information about applying in a third country: <http://www.usembassy.org.uk/visaservices/?p=772> . Alternatively, you can obtain your F-1 visa in Venezuela and then, once you have received the document, your wife can apply for the F-2 derivative visa while in the UK.

Q. My F4 immigration file processing from India from 2005, I hold Indefinite state to leave UK and would like to transfer my file to UK. What is the process? Does it make any difference on waiting time?

A. If you are now resident in the UK, you should contact the Consulate in India where your file was being processed and advise them of your new address. Your file will then be transferred to the Embassy/consulate having jurisdiction over your new place of residence.

Q. Hello, A question about the ESTE visa. My son went to Mexico to stay with family from Manchester Airport via the USA on a 3 month return ticket in January. He obtained an ESTA visa for transit through the USA. He would now like to stay longer and extend his return ticket. but we are concerned about his visa situation and would appreciate your guidance. His ESTA visa was issued Jan 7th 2013.

A. If your son will transit the United States on his return travel, the total amount of time he has spent, including the time spent in Mexico, may not exceed 90 days.

Q. 1. if a person has a non custodial conviction from 16 years ago should they apply for a visa rather than filling out the ESTA form? 2. If granted a visa does that guarantee admission once landed in the U.S? 3. How long is the tourist visa valid for 4. Can a person apply for a visa before the holiday is booked. 5. Would being a member of the British armed forces affect travel to the U.S on a tourist visa

A. If you have been arrested, cautioned or convicted, we recommend that you apply for a visa. If granted, a visa permits the holder to travel to the United States and apply for admission. The final decision to admit or deny all travelers rests with immigration officials at the port of entry. We recommend that applicants do not book non-refundable travel before their visa application has been fully adjudicated and their visa issued.

Q. I'm a international student who is studying at UK, my UK visa is going to expire in Aug this year, but I want to travel to US in late March could I still apply for a B2 visa?



## U.S. Embassy London - Visa webchats

A. You may wish to review our blog post at <http://www.usembassy.org.uk/visaservices/?p=772>. The consular officer will make a final determination on each applicant's eligibility at the time of their interview.

Q. Hi, thank you for hosting this webchat. I am planning to move to the USA but I have no idea which Visa I should apply for. Please could you advise on which immigrant Visa I need to apply?

A. Information about the different types of immigrant visa available can be found on the Embassy website: <http://london.usembassy.gov/immigrant-visas.html>.

Q. Who does the joint sponsor include in their house hold size? Would it be their household plus the individual being sponsored or their house hold plus the house hold of the person being sponsored (my husband & kids are US citizens)

A. When considering household size, a joint sponsor should count their household members, the immigrant to be sponsored, and any dependent children that reside with the joint sponsor at least part of the time. We recommend that you review our website at <http://london.usembassy.gov/faqs-i864.html>, especially the FAQs, for more information about sponsorship and household size.

Q. Dear Sir/madam, my son is traveling to the USA on Saturday as he needs to go visit his critically ill Grandma. His passport expired so he won't have his new one till tomorrow. It asks for 72 hours to apply for a visa, is there anyway around this emergencies?

A. Please advise your son to visit our website at <http://london.usembassy.gov/vwp.html> to help him establish if he is eligible to travel visa free under the Visa Waiver Program. If so, he can register under the Electronic System For Travel Authorization (ESTA) at <https://esta.cbp.dhs.gov/esta/> as soon as he receives his passport. While applicants are advised to apply at least 72 hours before if it is possible to do so, nevertheless in most cases an ESTA application status is returned immediately.

Q. Dear Sir/Madam, I applied for a J1 visa and my wife applied for a J2 dependent visa in Feb 2013 in London. Both our applications need Administrative Processing, so each of us was given a Batch Number at the interview. My batch number ends up with '1' and my wife's number ends up with '2'. The status of my application is currently 'Pending', but we can't check the status of my wife's application. We were wondering if there is any problem there (we applied together).

A. Unfortunately, we can't answer case-specific questions during this webchat. If you have a question about a specific case, you should contact the Operator on 09042 450 100 (£1.23/min) for assistance.

Q. Hi. I am aware that an ESTA allows multiple entries, with a maximum stay of 90 consecutive days in the United States per visit, but is there an also maximum number of days in total within one calendar year (or consecutive 365 days) I am allowed to stay in USA with the ESTA?

A. There is no set limit to the number of times an individual can apply for admission under the Visa Waiver Program and no set period of time that they must remain outside the U.S. before reapplying for admission. However, to be eligible for admission, immigration officials must be satisfied that the traveler is a bona fide visitor rather than an intending immigrant. Applicants typically confirm this by demonstrating strong social, financial, and familial ties to their place of residence that would compel them to depart the United States after their visit. Where there is a pattern of frequent travel to the





United States, the strength of that individual's ties outside of the United States could be called into question.

Q. Hello, I am a Nigerian studying in London at the moment (Masters) finishing in September 2013. I will like to visit family in the US by May and I have the following questions: 1. What kind of Visa will I require. 2. Do I need to fill an online application form or what other procedure do I need to go through. 3. Do I need a letter of invitation from family in the US? If so what necessary information is to be contained in the letter and who should it be addressed to. 4. What necessary documents should I present at the consulate? 5. How long is the Visa process going to take? Thank you.

A. If you wish to visit the United States you may be eligible for a B-2 (tourist) visa. The procedure to apply for this visa is available from the Embassy website: <http://london.usembassy.gov/b2.html>.

Q. I am a British Citizen (valid passport) and will be flying into San Diego for an 18 day holiday as a tourist. I have applied for a VWP which has been authorized by ESTA, is there anything else I need to do? Also if I decided to, would it be possible for me to cross the border over to Ensenada, Mexico to holiday for a few days during my trip before returning back to San Diego to fly back to the UK (I have verification of my onward flight ticket) Thank you

A. If you have received authorization under ESTA, you do not require any other documentation (other than your passport). You are not prohibited from travelling to Mexico, provided that your total travel does not exceed 90 days.

Q. HELLO sir i am student from India living in uk and i want visit us for holiday about 10 days how much funds should i need to show

A. There is no set amount of funds that you need to show in order to qualify. The final determination on each applicant's eligibility can only be made by a consular officer at the time of their application.

Q. i am in the process of applying for my B2 visa to visit family in the US. Do i need to present a letter of invitation from a family member residing in the US at the consulate? What necessary information should it contain?

A. No, you don't need a letter of invitation in order to apply for a visa. The Embassy cannot accept the assurances of third parties that an applicant will adhere to the requirements of their visa while in the United States.

Q. Could my son apply for another visa type in Merida? and if so which type?

A. Individuals can apply for a U.S. visa in any consular district in which they are physically present and should contact the U.S. Embassy or Consulate General with jurisdiction over that location for more details about the application process. However, please note that all nonimmigrant visa applicants are required to demonstrate that they overcome Section 214(b) of the Immigration and Nationality Act, which stipulates that applicants are considered to be intending immigrants unless they can establish otherwise. Applicants typically do so by demonstrating that hold sufficiently strong social, economic and financial ties outside the United States to compel them to depart the U.S. after a brief visit. If an individual does not live in the country in which they apply for a visa, they might find it difficult to



demonstrate that they possess sufficiently strong ties to their place of permanent residence due to the adjudicating officers' unfamiliarity with local conditions in that country.

Q. Do I have to have my F-1 Visa before my wife can apply for her F-2 visa, or can we apply together or separately?

A. You must obtain your visa before your wife can apply for a derivative.

Unfortunately, we have run out of time, thanks for joining us! Check back soon for the transcript and for the date of our next chat!

**We're also hosting a Twitter chat on March 14th!** If you did not get your question answered here, come along to the Twitter chat, 12-1pm 14th March.